

**Commissioner Butler to Captain Tillman. I have just read Captain B. R. Tillman's charges against the Department of Agriculture and against myself, made in his Greenville speech ... A. P. Butler. Commissioner of Agriculture, Columbia, S. C. June 12, 1890.**

Commissioner Butler to Captain Tillman.

I have just read Captain B. B. Tillman's charges against the Department of Agriculture and against myself, made in his Greenville speech. As he took the trouble to write them out for the reporters, there is no possibility of his saying hereafter that he was misquoted.

For the past four or five years I have been compelled to meet and expose his charges, and have endeavored in all that time to keep within the bounds of decency. My efforts have been to treat him courteously under strong provocation to do otherwise. If I now depart from that rule, I trust the people of South Carolina will attribute it to the just indignation of a man and a public servant who feels himself persistently, maliciously and willfully slandered.

His first and second statements, that "the Bureau has made no honest effort to protect the farmers against being swindled by buying guano below the guarantee," and that "it has not enforced its own regulations," are simply false, as the reports of the Department will show. These are general statements, that can only be answered in a similar manner. When a specific statement is made, it will be answered as it deserves.

His third statement, that "although the law is known to be defective and the punishment inadequate, no attempt has been made by the Board or Commissioner to have it amended, except that the matter was mentioned in one of the Department reports several years ago," he likewise knows to be untrue, but being more specific can be met in a more positive manner. At my request several bills were introduced in the Legislature at different times. Two of these may be cited: One by Colonel E. R. McIver at the session of 1885, which passed the House and failed in the Senate, (see House Journal, session 1885, pages 126, 156, 175, 335 and 340,) and another at the session of 1887, introduced by Senator Youmans, but failed in the Senate, I think. This latter bill I have not had time to trace through the Journals. These two are sufficient to disprove the charge that the Commissioner has not made an effort to have the laws amended where, in his opinion, amendments were required.

So many of Tillman's charges are made in a rambling way that it is only possible to answer them generally, and this I will do as nearly as possible in the order in which they are made.

I have not contended that all manufacturers were honest. If that were true, analyses might be unnecessary. Some have attempted to defraud, and have been punished with all the penalties the Department could impose. So much for that.

With an earnest desire to visit the penalties contemplated by law manufacturer who attempted the farmers, I requested Attorney General Miles to inform me if an analysis of any brand of fertilizer showed a deficiency, from the examination of a sample drawn out of a particular lot, whether the Department could seize and condemn any other lot of the same brand not found to be deficient. He gave his official opinion that only the particular lot inspected would be liable to the law. To make this perfectly plain, suppose that a lot of Baltic Fertilizer, sampled at Greenville, was shown by analysis to be deficient. When the Commissioner undertook to seize and condemn that lot, he found that it had all been hauled away and put in the ground, but he knew at the time that there was another lot of the same brand at Spartanburg that had not been inspected or analyzed. He could not seize and condemn the Spartanburg shipment, because, in the opinion of Attorney General Miles, it had not been analyzed, and, indeed, an analysis of that lot might, as is frequently the case, show higher results than the Greenville sample gave. This is why the law cannot be enforced. The particular lot analyzed has, in every case I have ever known of, been hauled away before the confiscation could be attempted. All of these defects have time and again been brought to the attention of members of the Legislature by me, and I have urged that they be corrected, but, as I shall presently prove by one of Captain Tillman's own witnesses, the members of the Legislature were not without reason in thinking that our "italicizing" of brands was sufficient punishment.

But Tillman is much concerned about the farmer who may have lost something, while the farmers generally received full value. This is in reply to my statement that the average commercial value of fertilizers exceeded the manufacturers' guarantees. To show how few farmers lost anything as far as commercial value is concerned, take the report for 1886 which he has quoted, and it will be found that out of over 200 brands analyzed only three were below the guarantees in commercial value.

As to the general supervision of fertilizer sales, it may be stated that in 1882 our analysis showed that the Cuban Bird Guano was deficient. The farmers refused payment and the analysis cost the manufacturers between \$20,000 and \$30,000. Mr. R. M. Anderson, of this city, can substantiate this.

Settlements based on the Department's analysis are constantly being made. Upon the analysis of a brand found to be deficient last year, the farmers who purchased the fertilizers have recently settled with the dealer, Mr. C. M. Covington, of Florence, at about one-fourth of the price charged—a settlement perfectly satisfactory to the purchasers.

Again, he says that the farmers, or to be more exact not one in fifty, ever saw the reports containing the analyses, and solemnly assures his hearers that only 1,500 of these reports were published in 1889. During the year 1888 all of these analyses were published in the daily and weekly *News and Courier*. For the sake of economy this was not done in 1889, but the analyses were published as soon as made in the Monthly Reports of the Department. About 14,000 of these reports contained analyses of official samples, and in addition thereto 1,500 special bulletins were issued, making a total distribution of the analyses of 15,500 copies. These facts are fully set forth in the Annual Report and were known to Mr. Tillman. This is only an additional evidence of his intention to misrepresent regardless of facts.

As to the letter of Mr. Connor, of Orangeburg, the Department does not want a better witness. If, as he states, he called the attention of one of our samplers to a lot of fertilizers that had been inspected and found deficient, it was certainly the duty of the Commissioner to have attempted to enforce the law against it. The sampler, however, has no recollection of the matter, and it was certainly never brought to my attention. Mr. Connor does not say that he called the sampler's attention to the matter, and I would be glad to know the name of his informant, and when the information came to Mr. Connor's knowledge. But if it was known to Mr. Connor, he might easily have reported the matter to this office and thus secured action in the matter, or have conclusively shown that I did not enforce the law. As it stands, it is a question between Mr. Connor, or his informant, and the sampler, and cannot be satisfactorily settled. But Mr. Connor fully and amply justifies the Department and the Legislature in another way. He says: "No notice, however, was taken of the same by the Department, *and Mr. Copes sent the guano away, as he was completely boycotted and could not continue business.* "

Why was Mr. Copes boycotted? Simply, as Mr. Connor writes Capt. Tillman, because the Department italicized the deficient guano. Was it no punishment to Mr. Copes to be boycotted and have his business ruined? Was it no injury to the manufacturers to have their goods returned to them? Capt. Tillman says that "not one farmer in fifty" sees these publications. Is Mr. Connor a farmer? If not, why was Mr. Copes boycotted? We knew that the operation and the result of our method of italicizing deficient brands was as Mr. Connor stated, but we had no hope of proving it so clearly by Capt. Tillman or his witnesses.

Mr. Connor has been a member of the Legislature for the past two years. Will he now, since he has entered this fight, explain what efforts he has made in the Legislature to cure the defects in the law, or what he has done to protect the farmers against swindling fertilizer companies? But since he has proven himself so good a witness for the Department, I will not insist on his explanation if his constituents are satisfied.

Mr. S. W. Gardner, Jr., comes to the front to help his friend Tillman out of a tight place. He bought guano that was short in weight and then his friend remembers that he too had done the same thing, and like suffering lambs they bleat out their tale of woe when the friend wants office. Did not Mr. Gardner, like Captain Tillman, buy his guano in the State of Georgia? Should he not lodge his complaint in that State? In any event I will be glad if he will show me any authority in the Act creating the Department of Agriculture that would justify me in suing a manufacturer for not putting full 200 pounds in each sack of guano sold either in this State or in Georgia.

As well ask me to sue a grocer who gave Gardner three pounds of sugar for five pounds. The remedy for that sort of swindling is, as every sensible man knows, prosecution under the common law in every State, and every purchaser has his remedy.

This charge is on a par with another, made some time since in the presence of Mr. J. E Tindal and Mr. W. A. Ancrum. Captain Tillman then charged similar failure to discharge my duty because he had bought cotton seed meal adulterated with rosin and his neighbor had purchased cotton seed meal adulterated with hulls. At the time the charge was made Captain Tillman knew that both lots had been purchased in Georgia, and yet he endeavored to injure the Department by a charge that he knew to be utterly unjust and untrue!

Now, Mr. O. F. Connor, this time of Lancaster, says one of my clerks told him that "when the phosphate companies failed in coming up to the analysis required by law they would beg off." What the clerk probably said to Mr. Connor was that they tried to beg off. And the clerk was right, and Mr. Connor is right. But whenever the analyses are below the guarantee, the results are published in spite of the begging, unless it is conclusively shown that the analysis or the inspection has done injustice, and such cases are exceedingly rare. For the past ten years they can be named on the fingers.

So much for the certificates. It should be noticed, however, that these are dated May 31st, June 3d and June 8th respectively. All since Capt. Tillman made his charges at Anderson. Therefore his charges at Anderson were not based on these certificates, and he has failed beyond dispute to prove that he had any evidence of any kind upon which to base his original charge *at the time he made it*. This explains, also, why my letter has not been answered before.

I regret that I have not a copy of Tillman's bill which he had introduced and says provided fine and imprisonment for manufacturers of fertilizers, but I have a copy of his bill proposing to turn over the analytical work of the State to his agricultural college, and in that bill no such provision occurs. My friend Youmans and myself may have killed his little bill, we were so influential, without knowing his

good points. If so, it was through ignorance, and not through malice, as I will try to show in regard to another matter.

Captain Tillman has been for years talking about reorganizing the Department of Agriculture. Finally the men whose influence he dreads so much decided they would help him in this work. Colonel Youmans drafted the bill, and all who had anything to do with it tried to put into it every good suggestion that anybody, including Captain Tillman, had made. We adopted ten members as Captain Tillman suggested, we took in farmers' institutes, we provided for State farmers' conventions and we kept everybody but farmers off the Board. The Legislature did everything it was asked to do, and we thought Captain Tillman had every change he wished. Only one failure from his standpoint could be pointed out—he failed of election on the Board—and that was sufficient to cause him to put a plank in his March platform abolishing the Department. His silly charge that the Department is controlled by lawyers, etc., is absolutely untrue. There is not a professional man on the Board or connected with it in any way. The Legislature, to please Captain Tillman possibly, put all farmers on the Board, but they refused to stultify themselves by putting Captain Tillman on it, and so of course he is not happy.

Let us follow Captain Tillman to his second attempt at specific charges and answer them in order.

First. Why did not the Attorney General conduct the phosphate litigation? This is so old a question and has been answered so often that it might well have been left alone. But it shall be answered again, for fear that some man living in a remote part of the State may not have heard it. The laws did not, at the time this litigation was begun, make it the duty of the Attorney General to do this work for the Department of Agriculture. The work was important, and the Board employed lawyers, and subsequently made the parties sued pay them. Was any injustice done the State in that matter? If so, where and how? But after the litigation had been commenced the Attorney General was made the adviser of the Department, except in this litigation, and that was specially exempted from the amendments to the law. This should be satisfactory to the most rabid Tillmanite.

Second. "Judgment with costs for \$76,874 was obtained against the Pacific Guano Company when the company failed, [which was probably a ruse to get some legal advantage]. Its property was then attached under the judgment, when a compromise was made by which the Pacific Company paid \$51,249 and costs. The amount turned into the State Treasury was \$31,396 and the Department kept \$12,162 to repay the cost of lawyers' fees, etc., making \$43,559. This is \$7,690 less than the amount received." Then follows the insinuation that somebody got that \$7,690 who was not entitled to it.

The statement of the settlement of the phosphate litigation, furnished by Hon. A. T. Smythe, leading counsel in the case, is as follows and answers the charge and infamous insinuation without further comment:

Amount received in settlement of Pacific case \$51,249.33

Amount received for disbursements on account Pacific case 1,114.11

Amount received in Pinckney case 708.66

Total \$53,072.10

Counsel fees Pacific case \$ 9,000.00

Counsel fees in Davis and Pinckney case 500.00

Sundry cash expenses 13.05

Turned over to State Treasury for State purposes 31,396.79

Turned over to State Treasurer for Department 12,162.26

Total as above \$53,072.10

If Captain Tillman can distort these figures again so as to show \$7,000 or one cent short, he is welcome to do so

This phosphate litigation has excited so much interest and comment that I may be pardoned for saying that when it was begun it was exceedingly doubtful if the State could ever recover anything. The conclusion of the case was the recovery of property valued at about \$100,000, and cash turned into the Treasury \$31,396.79 without the expenditure of one cent of the people's money, for every dollar expended in prosecuting the case was recovered and paid back into the Treasury, and a part of it is now being used to build and equip the Clemson Agricultural College.

Third. "In 1889, the Experimental Stations cost \$5,649, cost of the chemist and laboratory and sundries \$4,337, making \$9,986."

This statement, charge, or whatever it is, is set up without comment, so that I am in the dark as to Captain Tillman's particular objection to the expenditure. I cannot conceive of any that he has,

because he expects to do the same thing at the Clemson College. Possibly the anticipation of similar expenditures there caused him to change his mind and forbear comment. At any rate I will wait until he makes it before answering it.

The \$15,000 Hatch fund, as Tillman well knows, was given to the University and I know nothing whatever of its disbursement. Perhaps Dr. J. M. McBryde, the President of the University, who is also the Director of the Stations, will explain or give any information the public may desire in regard to that.

Fourth. "The net expenditures of the Department as set forth in above are \$30,427. This includes for State Agricultural Society 2,500, making a net expenditure of \$27,427." Captain Tillman then follows with a statistical statement charging that there is a difference between the amounts said to have been disbursed according to the reports of the Comptroller General, the State Treasury and the Department of Agriculture.

The figures given in the first two reports are identical to a cent and amount to \$33,699.95. So far this charge is without truth. According to the Department's Report the amount disbursed was \$3,272.61 less than the other two reports show. This is easily explained. At the close of every year a large number of warrants are drawn. It is possible, [I say possible because I do not care to stop now to verify this statement], that many of these warrants were carried over from the previous year and paid within the fiscal year under discussion. This would easily account for any differences between the two offices and my own, and was doubtless the case. It is a matter easily settled, however, with time to check off warrants drawn and unpaid last year, and will be done whenever it is necessary.

Under his fourth charge Capt. Tillman again resorts to insinuation in saying that prior to 1887 no vouches were shown. There has not been a year, nor a payment, for which the Department has not vouchers, so that this charge is malicious and base. With the exception of the first year, when the Department was only in operation for nine months, and the form of publishing financial statements was unfamiliar to me, a complete summary of all disbursements, and itemized statements in addition, have been published either in our reports or those of the Comptroller General, as Capt. Tillman well knows. These vouchers are now on file subject to investigation at any time by Capt. Tillman or any other citizen of the State. So much for that base insinuation.

This, I believe, disposes of all Captain Tillman's specific charges. I will not attempt to reply to the others save by witnesses whose honesty and integrity even Captain Tillman will not doubt. In the first Farmers' or Tillman Convention held, this phosphate litigation was the subject of an investigation by a committee of which Captain G. W. Shell was Chairman. After the investigation had been made and the officials of the Department examined in the open convention, resolutions



completely exonerating the Department from the charges and commending the officials were unanimously adopted. At the legislative session of 1885 a committee appointed by what is known as the Economic Caucus, with Dr. Sampson Pope of Newberry as Chairman, investigated the Department and again we were commended for our work. At every session of the Legislature from 1880 to date the Department has made its reports and has been ready for official investigation. It is ready to-day or at any other time.

When Captain G. W. Shell and Dr. Sampson Pope can find nothing to condemn in the Department of Agriculture, we feel justified in saying that it does not dread an investigation by others.

As to Captain Tillman's statement that Colonel Donaldson was defeated because he was a Tillmanite and I was not, I beg to say that, unless I am very much mistaken, Colonel Donaldson's friends were at some pains to prove that he was not a Tillmanite. But in this matter if Colonel Donaldson was defeated because he was a Tillmanite, I may be permitted to say that I think the Legislature acted very wisely.

I believe that I have at great length covered all Captain Tillman's charges. I am not through with him, however, and must beg the indulgence of the public for a while longer.

For nearly five years I have submitted to this sort of thing, and whenever I have had to appear in print I have endeavored to say nothing that would offend the most sensitive reader.

I have conceived it to be my duty to act courteously even in dealing with a blackguard, but forbearance has almost ceased to be a virtue, and it is a question whether I can longer submit to abuse without retaliation. This man Tillman has posed before the people for all this time as a reformer. Let us see if his professions are to be trusted. It is generally believed that at the time he professed to be a supporter of Governor Sheppard's he was endeavoring to get Capt. W. C. Coker, of Darlington, to offer for the same place. If this is not true, let Capt. Coker and Mr. Sheppard say so. It has been stated and Tillman has never denied it, that he wrote Capt. Coker, who of course did not encourage such treachery, a letter promising his support if he would enter the race. He was instructed by his County convention to support Sheppard, yet in the State convention he endeavored to cause a break to Coker, which, if it had succeeded, would have defeated the man he was pledged to support. Would such a man do to trust in official positions? *He would betray his brother if it profited him to do so.*

Again, I ask Dr. Sampson Pope of Newberry, one of Captain Tillman's strongest supporters, if he did not have good reason to expect all the support Captain Tillman could give him in his race for Speaker of the House, and if after that he received it? No more honorable man than Dr. Pope walks



this earth, and while we differ widely in some matters, I have no doubt of his perfect integrity, and therefore appeal to him to say whether or not Captain Tillman betrayed him.

When Tillman first began his career as a public critic, I attributed many of his erroneous statements to ignorance. But he is an intelligent man—not a fool; and I have reluctantly reached the conclusion that he is determined to accomplish his purposes, if possible, by any means within his power, and that he believes that “a lie well stuck to is as good as the truth.” His recent statements can be explained in no other way.

Captain Tillman, knowing that he cannot justify himself, lacks the manliness to make a direct charge of official dishonesty against me, but covertly stabs with the poisoned dagger of innuendo. I can, therefore, meet his insidious and unwarranted attacks upon my character only through the public prints.

A. P. BUTLER. Commissioner of Agriculture.

*Columbia, S. C., June 12, 1890.*